

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS BURNS and MARK LARSEN,)	
)	
Plaintiffs,)	Case No. 04 C 7682
)	
v.)	Judge Paul E. Plunkett
)	
FIRST AMERICAN BANK,)	Magistrate Judge Nan R. Nolan
)	
Defendant.)	

**AGREED MOTION FOR
ENTRY OF RESTRICTING ORDER**

Defendant First American Bank (“FAB”), by one of its attorneys, Paul F. Markoff of Crowley Barrett & Karaba, Ltd., and pursuant to LR26.2, moves this Court to enter the Stipulated Restricting Agreement and Order (“Order”) attached hereto as **Exhibit 1**. In support of its motion, FAB states as follows:

1. On November 29, 2004, plaintiffs filed a one-count complaint against FAB, alleging a violation of the Electronic Funds Transfer Act (“EFTA”), 15 U.S.C. §1693 *et seq.* and its supporting Regulation E, 12 C.F.R. §205 *et seq.*
2. Plaintiffs have since served discovery requests upon FAB.
3. FAB believes that information, including documents, responsive to plaintiffs’ discovery requests should be restricted from general disclosure, because, *inter alia*, it includes
 - a. Consumer financial information of consumers who have used FAB’s automated teller machines at issue in this lawsuit; and
 - b. Proprietary information of FAB related to its network of automated teller machines and the parties with which FAB contracts for placement, installation and servicing of those machines.
4. Because the information to be disclosed by FAB constitutes proprietary information of both consumers and FAB, good cause exists to restrict access to the information.

5. Plaintiffs' counsel and FAB's counsel have negotiated and signed the Order (Ex. 1), and plaintiffs do not object to the entry of the Order.

WHEREFORE, for the foregoing reasons, First American Bank requests that this Court enter the Stipulated Restricting Agreement and Order.

FIRST AMERICAN BANK, Defendant,

By: 
Paul F. Markoff, One Of Its Attorneys

Dated: May 24, 2006

Mr. Thomas F. Karaba (Atty. No. 3127261)
Mr. Paul F. Markoff (Atty. No. 6237614)
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312.726.2468

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing *Agreed Motion for Entry of Restricting Order* was served upon the following individuals electronically pursuant to ECF on this 24th day of May, 2006 at or before the hour of 5:00 p.m.

Mr. Lance A. Raphael
The Consumer Advocacy Center, P.C.
180 West Washington Street
Suite 700
Chicago, Illinois 60602

Mr. Brian L. Bromberg
Brian L. Bromberg, P.C.
40 Exchange Place
Suite 2010
New York, New York 10005

By: 
Paul F. Markoff